

## REMARKS

Claims 1-16 are currently pending in the present application, with Claims 1-5 and 9-14 being amended, and Claim 15 and 16 being newly added. Reconsideration and reexamination of the claims, as amended and as added, are respectfully requested.

The Examiner rejected Claims 12-14 under 35 U.S.C. 101 for being directed to non-statutory subject matter. Applicants have amended the claims and respectfully submit that the amended claims are directed to patentable subject matter.

The Examiner rejected Claims 3, 4, 7, and 10 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claims and respectfully submit that the amended claims are compliant with 35 U.S.C. 112.

The Examiner rejected Claims 1, 3, 4, 6, 7, 9, and 10 under 35 U.S.C. 102(b) as being anticipated by Yamamoto (U.S. patent no. 5,942,708). This rejection is respectfully traversed with respect to the amended claims.

The present invention is generally directed to a mixing apparatus, method, and computer program. More specifically, with respect to Claim 1, the present invention includes a first assigning device for assigning plural input signals to respective input channels, after which the signals are mixed and outputted. Within the same apparatus is a storage medium for storing a set of audio data (recited as "second audio data") that can be reproduced by manipulating operating members on the apparatus. The reproduced audio data is then inputted into one of the input channels and mixed with the input signals. Similarly, with respect to Claim 3, there is recited an assigning device for assigning input signals.

Yamamoto does not contain any disclosure or suggestion of reproducing previously stored second audio data and supplying the reproduced second audio data to a first assigning device so as to effect input of the second audio data to be mixed with the inputted first audio data. Rather, Yamamoto simply discloses a conventional tone generator for synthesizing musical tone according to a waveform sample that is read from a waveform memory (see, e.g., col. 6,

lines 39-41). Applicants note that the “assigning device,” as identified by the Examiner as being disclosed by Yamamoto at col. 5, lines 33-43, is actually an assignment table for assigning tone control data. There is no mention of assigning input signals to input channels for mixing. Applicants respectfully submit that Claims 1, 3, 4, 6, 7, 9, and 10 are not anticipated by Yamamoto.

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Saito et al. (U.S. patent no. 6,198,035). This rejection is respectfully traversed with respect to the amended claims.

As discussed above, Yamamoto does not teach or suggest assigning input signals to input channels, reproducing stored audio data and supplying the same to the assigning device, and mixing the reproduced signals with the input signals that were assigned.

Saito fails to make up for the deficiencies of Yamamoto. Saito is directed to a musical sound generation apparatus. Saito makes no mention of assigning input signals and mixing them with pre-stored/temporarily stored second audio data in the manner claimed by the present application. Accordingly, Applicants respectfully submit that Claim 2 is not obvious in view of Yamamoto and Saito.

The Examiner indicated as allowable Claims 5, 8, and 11. Applicants have amended the claims to further clarify the claimed subject matter, and respectfully submit that the claims remain in condition for allowance.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Deputy to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032027800.

Respectfully submitted,

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